

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Carl F. Spurlock,

Case No. 3:12-cv-02446

Plaintiff

v.

ORDER

Commissioner of Social Security,

Defendant

Pending before me is the July 3, 2013 Report and Recommendation by Magistrate Kathleen Burke (Doc. No. 17) and Defendant's response thereto. In her Report, Magistrate Burke determined remand of the case to be appropriate because the ALJ failed to fully and fairly develop the record. On July 17, 2013, the Commissioner indicated she would not be filing an objection to the R & R. (Doc. No. 18).

Under the relevant statute:

Within fourteen (14) days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C.A. § 636(b)(1). In this case, the fourteen day period has elapsed and per the Commissioner's response, no objections have been filed.

The failure to file written objections to the Magistrate Judge's report and recommendation

constitutes a waiver of a determination by the district court of an issue covered in the report.

Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Following review of the Magistrate Judge's Report and Recommendation, I adopt the Report and Recommendation in its entirety as the Order of the Court. The Commissioner's decision regarding Plaintiff Carl F. Spurlock's applications for SSI and DIB are reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g), consistent with the R & R (Doc. No. 17).

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge